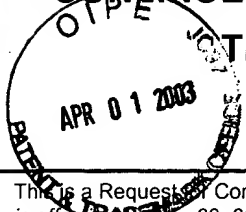


44-02-03

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**



Application No.	09/727,628
Filing Date	12/1/00
First Named Inventor	Katherine Armstrong
Group Art Unit	1638
Examiner Name	A. Kubelik
Attorney Docket No.	50597A
Express Mail Label No.	EL014447646US

#7 RCE  
1638

This is a Request for Continued Examination (RCE) under 37 CFR §1.114 of the above-identified application. **Note:** 37 CFR §1.114 is effective May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 CFR §1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA.

**1. Submission required under 37 CFR §1.114**

a. **Previously submitted**

i. ☐ Consider the amendment(s)/reply under 37 CFR §1.116 previously filed on \_\_\_\_\_ (any unentered amendment(s) referred to above will be entered)

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

iii. ☐ Other: \_\_\_\_\_

b. **Enclosed**

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other: \_\_\_\_\_

**2. Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR §1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; fee under 37 CFR §1.17(i) required)

b. ☐ Other: \_\_\_\_\_

**3. Fees** (The RCE fee under 37 CFR §1.17(e) is required by 37 CFR §1.114 when the RCE is filed.)

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 04-1529

i. ☒ RCE fee of \$750 required under 37 CFR §1.17

ii. ☒ Extension of time fee (37 CFR §§ 1.136 and 1.17)

iii. ☐ Other: \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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**SIGNATURE OF ATTORNEY/AGENT REQUIRED**

SIGNATURE	
NAME	Kenneth B. Ludwig
REGISTRATION NO.	42,814
DATE	March 31, 2003

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NAME	Kenneth B. Ludwig		
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#8  
Amendment B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant (s): Katherine Armstrong et al.

Attorney Docket No.: 50597A

Serial No.: 09/727,628

Group Art Unit: 1638

Filed: December 1, 2000

Examiner: A. Kubelik

For: **MAIZE MIP SYNTHASE PROMOTER**

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Sir:

AMENDMENT pursuant to 37 CFR 1.114

The following amendments and remarks are filed in response to the Examiner's remarks in the Office Action mailed December 4, 2002; the three-month shortened statutory period for response to which expired on March 4, 2003. A Request for Continued Examination and fee, and a petition and fee for a one month extension of time, is included with this amendment.

In the Claims:

Please cancel claims 6 and 9-16 and substitute the following new claims 17-26 therefore:

--17. An isolated nucleic acid molecule comprising at least bases 1864-2064 of SEQ. ID. No:3 or variants thereof, at least 200 bases of a nucleic acid sequence of said variants having at least 95% homology to bases 1864-2064 of SEQ. ID. No:3.

31  
18. The isolated nucleic acid molecule of claim 17, wherein the isolated nucleic acid molecule is operably linked to a heterologous nucleic acid sequence.

19. An expression vector comprising the isolated nucleic acid molecule of claim 18.